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SENATE

S. B. No. 724

RECEIVED BY: _____

Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
BANNING THE SALE, DISTRIBUTION, AND USE OF
FIRECRACKERS AND OTHER PYROTECHNIC DEVICES, PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

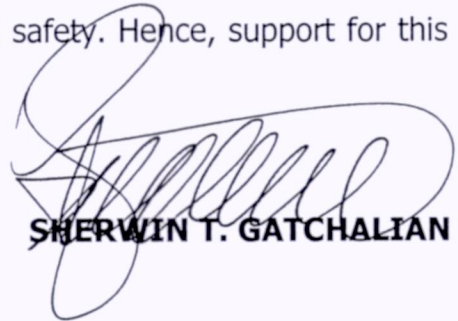
To quote from a report of the Department of Health, there were a total of 1,018 firework-related injuries at the beginning of the year 2014, owing to the end of the year revelry. This is 73 cases or 8% higher than the five-year (2008-2012) average and 87 cases or 9% higher compared to the same period last year. Majority of the cases, or 58%, were from NCR, followed by Region 4-A with 80 cases and Region 6 (Western Visayas) with 73 cases. In NCR, Manila had 215 cases or an equivalent of 37%, in Quezon City 130 cases or an equivalent of 22%, in Mandaluyong 45 or 8%, Marikina with 37 or 6%, and Las Pinas 36 or 6% reported the most number of injuries. Of this number, 250 cases or an equivalent of 25% were children less than 10 years old and 376 cases or 38% were caused by the banned piccolo.

Every year, we endure the pollutants caused by the use of firecrackers to welcome the New Year. We see news flashes of countless injuries, especially to the

hapless children. Until when should we allow this cycle of perils to our health and environment?

This bill proposes to amend Republic Act 7183, also known as "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and other Pyrotechnic Devices", to ban the sale and uses of the firecrackers and pyrotechnics except for authorized fireworks displays.

We do not wait for another year and some more injuries to stress the importance to revisit the relevance of the law today. We must protect our people from traditions that are inimical to public health and safety. Hence, support for this bill is earnestly sought.



SHERWIN T. GATCHALIAN

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*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

1 SECTION 1. **Short Title.** – This Act shall be known as the
2 "*Firecrackers Prohibition Act of 2019.*"

3 SEC. 2. **Declaration of Policy.** – The maintenance of peace and
4 order, the protection of life, liberty, and property, and promotion of the
5 general welfare are essential for the enjoyment by all the people of the
6 blessings of democracy. To this end, the State aims to ensure the safety of
7 the people by regulating sale, distribution, and use of firecrackers and other
8 pyrotechnic devices and specifying the areas where firecrackers and
9 pyrotechnic devices may be used.

10 SEC. 3. **Prohibited Acts.** – Except as provided for under Section 4 of
11 this Act;

12 a) It shall be unlawful for any person or business establishment to
13 manufacture, sell or offer for sale, distribute, possess or use any
14 firecracker or pyrotechnic device or such other similar devices.

1 b) It shall likewise be unlawful for any person to discharge or explode, or
2 cause to discharge or to explode, any firecracker, or any other
3 explosive or to use any pyrotechnic device or any such other similar
4 device.

5 SEC. 4. **Exception on the prohibition of Firecrackers.** –Any
6 corporation or entity that requires the use of fireworks and other pyrotechnic
7 devices for its fireworks display shall apply for a special permit from the PNP-
8 FEO.

9 Upon presentation of the special permit, the Local Government Unit
10 (LGU) concerned may only allow fireworks in areas specifically designated and
11 authorized by the Local Government Unit (LGU) where it will be held.
12 *Provided,* That the fireworks display shall be done only by professionals who
13 are technically equipped with skills and knowledge on the use of firecrackers.

14 SEC. 5. **Penalties.** – Violation of any of the provisions of Section 3 of
15 this Act shall be penalized as follows:

16 a) For the first offense, a fine of One Thousand Pesos (P1,000.00) or
17 imprisonment of not more than One (1) month but not less than
18 twenty (20) days, or both fine and imprisonment at the discretion
19 of the Court;

20 b) For the second offense, a fine of Three Thousand Pesos
21 (P3,000.00) or imprisonment of not more than Three months but
22 not less than One (1) month, or both fine and imprisonment, at the
23 discretion of the Court;

24 c) For the third offense, a fine of Five Thousand Pesos (P5,000.00) or
25 imprisonment of not more than Six (6) months but not less than
26 Three (3) months, or both fine and imprisonment, at the discretion
27 of the Court.

28 If the violation is committed by a business establishment, the
29 President or General Manager or the person, acting in behalf of either
30 the President or General Manager shall be held liable in the case of
31 corporation or partnership, or the owner or proprietor or the person

1 acting in his behalf shall be held responsible in the case of a single
2 proprietorship.

3 In addition to the foregoing penalties, the business permit of the
4 business establishment shall be cancelled by the City Mayor of the LGU
5 where it is located, upon the commission of the third offense.

6 **SEC. 6. *Implementing Rules and Regulations.*** – Within sixty (60)
7 days from the effectivity of this Act the Secretary of the Interior and Local
8 Government shall, after public hearing and consultation with the various
9 stakeholders in the firecrackers and pyrotechnic industry and representatives
10 of LGUs, promulgate the necessary rules and regulations for the effective
11 implementation of this Act.

12 **SEC. 7. *Separability Clause.*** – If any provision or part thereof is held
13 invalid or unconstitutional, the remaining parts or provisions not affected shall
14 remain in full force and effect.

15 **SEC. 8. *Repealing Clause.*** –All laws, presidential decrees or
16 issuances, executive orders, letter of instruction, administrative orders, rules,
17 and regulations contrary to or inconsistent with the provision of this Act are
18 hereby repealed, modified, or amended accordingly.

19 **SEC. 9. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
20 days after its publication in the *Official Gazette* or in a newspaper of general
21 circulation.

Approved,